

# UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 10, 2020**

SEAN F. McAVOY, CLERK

U.S.A. vs. Villanueva-Garibay, Jorge Docket No. 0980 2:20CR00011-RMP-1

## **Petition for No Action on Conditions of Pretrial Release**

COMES NOW Stephen Krous, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Jorge Villanueva-Garibay, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers sitting in the court at Spokane, Washington, on the 24th day of March 2020, under the following conditions:

**Additional Condition of Release #27:** Prohibited Substance Testing: If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency of prohibited substance testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

**Violation #1:** Jorge Villanueva-Garibay is alleged to be in violation of his pretrial release conditions by failing to call the phase urinalysis testing number at The Center For Alcohol and Drug Treatment Services (The Center) on a daily basis between November 18 and 30, 2020.

Per COVID-19 procedures, Mr. Villanueva-Garibay's pretrial release conditions were reviewed with him on March 26, 2020. He verbally acknowledged an understanding of his conditions, which included additional conditions of release number 27, as noted above. He was provided with a copy of the judgment via email.

On May 5, 2020, Mr. Villanueva-Garibay reviewed and signed the substance abuse testing instructions acknowledging his understanding of the testing program. On October 1, 2020, he was instructed to call The Center colorline system and when his color is called, he is to report to The Center and submit to a drug screen.

On November 30, 2020, this officer learned Mr. Villanueva-Garibay had failed to call the phase urinalysis testing line at The Center between November 18 and 30, 2020.

**Violation #2:** Jorge Villanueva-Garibay is alleged to be in violation of his pretrial release conditions by failing to provide a random urine test at The Center on November 24, 2020.

Per COVID-19 procedures, Mr. Villanueva-Garibay's pretrial release conditions were reviewed with him on March 26, 2020. He verbally acknowledged an understanding of his conditions, which included additional conditions of release number 27, as noted above. He was provided with a copy of the judgment via email.

On May 5, 2020, Mr. Villanueva-Garibay reviewed and signed the substance abuse testing instructions acknowledging his understanding of the testing program. On October 1, 2020, he was instructed to call The Center colorline system and when his color is called, he is to report to The Center and submit to a drug screen.

Mr. Villanueva-Garibay failed to provide a random urine sample at The Center on November 24, 2020.

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PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

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I declare under the penalty of perjury that the foregoing is true and correct.Executed on: December 10, 2020by s/Stephen KrousStephen Krous  
U.S. Pretrial Services Officer

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## THE COURT ORDERS

- ☒ No Action  
☐ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Defendant to appear before the Judge assigned to the case.  
☐ Defendant to appear before the Magistrate Judge.  
☐ Other

  
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Signature of Judicial OfficerDecember 10, 2020

Date